

Received & Inspected

NOV 29 2010

FCC Mail Room

CENTRAL
SUSQUEHANNA
INTERMEDIATE
UNIT

November 20, 2010

Marlene H Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

CC Docket No. 02-6
Request for Review



Technology
Group

To Whom It May Concern:

Please accept this correspondence as the Letter of Appeal in accordance with the instructions set forth on the USAC website. According to a Funding Commitment Decision Letter dated June 29, 2010, the application was denied due to using an ineligible telecommunications carrier.

We appealed to the Schools and Libraries Division on August 9. A letter dated September 29, 2010 from the SLD, denies the appeal. Despite several attempts at filing the appropriate paperwork, their application has been denied by the Schools and Libraries Division. We feel that the school district has communicated and negotiated in good faith with ECommunications and selected them as the service provider in accordance with E-Rate guidelines. However, we do not feel that the school district should be penalized because of the service provider application process that is required. ECommunications provides a cost-effective and valuable service to our district and has made numerous attempts to become an eligible service provider under the E-Rate program. (see attached correspondence provided by ECommunications)

We feel that the FCC should allow ECommunications the opportunity to apply and provide the assistance needed to complete the forms in an accurate manner. We also feel that the FCC should grant this appeal and approve discount funding from ECommunications pending successful completion of their application, or exercise the "Good Samaritan" program and allow another vendor to distribute the discount funding to the school district.

Below is a summary of the original application and contact information:

470 Application Number: 499070000788664
471 Application Number: 731818
Funding Request Number: 1979242
Applicant: Warrior Run School District
Billed Entity Number: 125837

P.O. BOX 213
LEWISBURG, PA 17837
570-523-1155
FAX 570-524-7104
www.csiu-technology.org

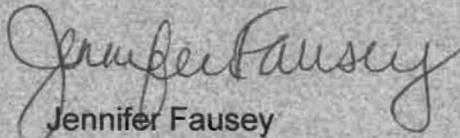
No. of Copies rec'd 0
List ABCDE

Applicant Form Identifier: WRUN-Y13-VM
Service Provider: Ecommunications Systems Corp.
SPIN: 143022101
Contact Name: Jennifer Fausey
Contact Address: 90 Lawton Lane Milton, PA 17847
Telephone: 570-523-1155 x2144
Fax: 570-523-7056
Email: jfausey@csiu.org

If you require further information, please feel free to contact me at your convenience.

Thank you for your assistance and cooperation in this matter.

Sincerely;



Jennifer Fausey
CSIU E-Rate Specialist
90 Lawton Lane
Milton, PA 17847

Attachments:

FDCL
Appeal to SLD
SLD Denial Letter
Documents from ECommunications



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Schools and Libraries Division

FCC Mail Room

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2010: 07/01/2010 - 06/30/2011)

June 29, 2010

Jen Fausey
WARRIOR RUN SCHOOL DISTRICT
90 Lawton Lane
Milton, PA 17847

Re: Form 471 Application Number: 731818
Billed Entity Number (BEN): 125837
Billed Entity FCC RN: 0005381637
Applicant's Form Identifier: WRUN-Y13-VM

Thank you for your Funding Year 2010 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$4,166.40 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 731818 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2010," AND
 - The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

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FUNDING COMMITMENT REPORT
Billed Entity Name: WARRIOR RUN SCHOOL DISTRICT
BEN: 125837
Funding Year: 2010

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 731818
Funding Request Number: 1979242
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 499070000788664
SPIN: 143022101
Service Provider Name: Ecommunications Systems Corporation
Contract Number: MTM
Billing Account Number: 053-0386312-000
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2010
Service End Date: 06/30/2011
Contract Award Date: N/A
Contract Expiration Date: N/A
Shared Worksheet Number: 1192807
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$6,720.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$6,720.00
Discount Percentage Approved by the USAC: 62%
Funding Commitment Decision: \$0.00 - Invalid Telecom Carrier
Funding Commitment Decision Explanation: DR1: This FRN is a request for
Telecommunications Service from a service provider that is not an eligible
telecommunications carrier.

FCDL Date: 06/29/2010

Wave Number: 006

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2011

Received 09/29/2010

NOV 20 2010

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Universal Service Administrative Company

Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2010-2011

September 29, 2010

Jen Fausey
CSIU Technology Group
90 Lawton Lane
Milton, PA 17847

Re: Applicant Name: WARRIOR RUN SCHOOL DISTRICT
Billed Entity Number: 125837
Form 471 Application Number: 731818
Funding Request Number(s): 1979242
Your Correspondence Dated: August 09, 2010

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2010 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1979242
Decision on Appeal: **Denied**
Explanation:

- Upon thorough review of the appeal letter and the relevant documentation, USAC has determined that, on the Form 471, the FRN was categorized under the Telecommunications Service category. The Item 21 Attachment submitted by the applicant supports that the request is for voice mail service, a Telecommunications Service. Per Program Rules, the service provider providing the telecommunications services must meet the FCC eligible telecom carrier designation requirements to be designated as an eligible telecom carrier in the USAC database. During Initial Review, you were given the opportunity to change the service provider to an eligible telecommunications provider. In response and on appeal, you state that the service provider is Ecommunications SPIN 143022101 and the service provider filled out the proper forms in a timely manner. It is the responsibility of the applicant to ensure that all requested

telecommunications services are provided by an Eligible Telecommunications Provider (ETP). You failed to provide evidence on appeal that USAC erred in its decision.

- Your FCC Form 471 indicates that you selected a service provider that has not been designated as an Eligible Telecommunication Provider (ETP) in the USAC database: Ecommunications Systems Corporation. An ETP is an entity that provides Telecommunications services on a common carriage basis. During the PIA review of your funding request, USAC gave you a 15-day opportunity to perform an operational SPIN change to replace the ineligible service provider listed on your FCC Form 471 with an eligible service provider. You failed to do so. Accordingly, your funding request was denied. Since your appeal has not brought forth persuasive information that USAC erred in its determination, your appeal is denied.
- FCC regulations provide that Telecommunications carriers are eligible for Universal Service support. *See* 47 C.F.R. sec. 54.501(a). The FCC has determined that to be eligible to receive Universal Service support for Telecommunications services, the provider must provide Telecommunications services on a common carrier basis. *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 8850-8851, FCC 97-157 para. 134 (rel. May 8, 1997). The FCC's Brewster Academy Order directed USAC to confirm that the service provider the applicant chose was indeed a common carrier and to allow the applicant 15 days to cure its application in cases when an applicant was seeking Telecommunications service but the SPIN used was linked to a provider that does not provide Telecommunications on a common carrier basis. *See* Requests for Review of Decisions of the Universal Service Administrator by Brewster Academy Dallas, Texas, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-317937, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 9185, DA 07-2111 para. 11 (May 18, 2007).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division

X-SpamScore: -45
X-BigFish: vps-45(zzbb2dK1431J542NfadR1432N98dN4015L9371Pzz1202hzz8275bh8275dhz2dh2a8h61h)
X-Spam-TCS-SCL: 0:0
X-MS-Exchange-Organization-Antispam-Report: OrigIP: 64.71.238.64;Service: EHS
Subject: RE: Warrior Run voicemail application
Date: Tue, 26 Oct 2010 17:50:06 -0400
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: Warrior Run voicemail application
thread-index: Act1J4w0qYGI6OAaRF2q5OgHI3oH9QAL5NXg
From: "Warren, Harry" <hwarren@askecomm.com>
To: "Jennifer Fausey" <jfausey@csiu.org>
X-Reverse-DNS: sh2.exchange.ms
X-OriginalArrivalTime: 26 Oct 2010 21:50:42.0156 (UTC) FILETIME=[D5E832C0:01CB7557]

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Jennifer, The document that I did submit awhile ago I am not in possession of but it was denied as I am now finding out. I resubmitted documents again and they have be denied based upon how they were filled out. I need to review and resubmit as you know the paperwork and instructions are daunting.

Bottom line is I do not have any docs to send to you in regards to this process at the present time.

Harry Warren
Vice President, Enterprise Sales

717.431.7150 one voice number finds me
717.431.7151 fax

hwarren@askecomm.com

Note: the comments within and any attachment to this e-mail are intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this in error, please contact the sender and delete the original message, any attachment(s) and copies. Thank you for your cooperation.

-----Original Message-----

From: Jennifer Fausey [mailto:jfausey@csiu.org]
Sent: Tuesday, October 26, 2010 12:08 PM
To: Warren, Harry
Cc: Linda McNeal
Subject: RE: Warrior Run voicemail application

Good Morning Harry,

Printed for Jennifer Fausey <jfausey@csiu.org>

11/23/2010

I just wanted to check in with you to see if you were able to find out what happened with the certification paperwork. I still need to file their appeal and I will need a copy of that paperwork to send with it. Could you please fax a copy to me at 570-523-7056? I would greatly appreciate it, as I'm sure the district would like to get this appeal taken care of asap.

Thanks,

Jen Fausey
CSIU Technology Group

At 08:57 AM 10/5/2010, you wrote:

>Hi Jennifer,

>

>I am not sure what is taking place with this process. In fact, I
>just filled out all of the paperwork again for ERATE and mailed it
>last Tuesday. I am going to follow up today to see if I can find
>out what is taking place with things.

>

>

>

>Harry Warren
>Vice President & General Manager

>

>717.431.7150 one voice number finds me
>717.431.7151 fax

>

>hwarren@askecomm.com

>

>

>

>Note: the comments within and any attachment to this e-mail are
>intended only for the use of the individual or entity to which it is
>addressed, and may contain information that is privileged,
>confidential and exempt from disclosure under applicable law. If
>the reader of this message is not the intended recipient, you are
>hereby notified that any dissemination, distribution or copying of
>this communication is strictly prohibited. If you received this in
>error, please contact the sender and delete the original message,
>any attachment(s) and copies. Thank you for your cooperation.

>

>

>

>

>-----Original Message-----

>From: Jennifer Fausey [mailto:jfausey@csiu.org]

>Sent: Monday, October 04, 2010 2:34 PM
>To: Warren, Harry
>Cc: lmcneal@wrsd.org
>Subject: Warrior Run voicemail application
>
>Hi Harry,
>
>I was notified today by mail that the appeal we filed for the
>voicemail application was denied, due to EComm not being an eligible
>telecomm provider. You mentioned back in April that you faxed the
>certification paperwork to Universal Services. If possible, could you
>fax that to me? I plan to appeal to the FCC and I will need that
>certification for backup.
>
>If you have any questions, please let me know. My fax number is 570-523-7056.
>
>Thank you,
>
>Jen Fausey
>CSIU Technology Group
>
>This message may contain privileged, confidential information that is
>exempt from disclosure under applicable law. If you are not the addressee
>indicated in this message or if it does not apply to you or your
>organization, you may not copy or deliver this message to anyone. In such a
>case, please delete this message and reply to the sender immediately. Thank
>you.

This message may contain privileged, confidential information that is exempt from disclosure under applicable law. If you are not the addressee indicated in this message or if it does not apply to you or your organization, you may not copy or deliver this message to anyone. In such a case, please delete this message and reply to the sender immediately. Thank you.

Subject: FW: 498 SPIN Revision Rejection
 From: "Warren, Harry" <hwarren@askecomm.com>
 To: Jennifer Fausey <jfausey@csiu.org>

Received 11/23/2010 1:01 PM
 NOV 23 2010
 FCC MAIL ROOM

Jennifer, Here is the original rejection to form 498.

Harry Warren
 Vice President, Enterprise Sales

717.431.7150 one voice number finds me
 717.431.7151 fax

hwarren@askecomm.com



VOICE. DATA. DONE.

ECOMM Networks
ask-ecomm.com

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From: Customer Support [mailto:bcd.customerservice@usac.org]
Sent: Friday, April 16, 2010 8:31 AM
To: Warren, Harry
Subject: 498 SPIN Revision Rejection

Company Name: Ecommunications Systems Corporation

SPIN: 143022101

Reference #: USF21161

Dear: Harry Warren

We have received your request to revise your Service Provider Identification Number (SPIN). We are unable to process your application for the following reason(s):

- **Page 7 (signature page) is missing within the revision application.**

In order to process your revision request you will need to submit a new 498 form and certification letter. You may fax

your completed 498 form and certification letter to USAC, Attention 498 at 888-637-6226 or mail them to USAC at the address below.

USAC
Attn: Form 498
2000 L Street NW
Suite 200
Washington, DC 20036

If you have existing access to your form 498 online, you may log on here to make your changes: <http://forms.universalservice.org/>

Otherwise, the 498 form, instructions and certification letter are available here:
<http://www.universalservice.org/si/tools/required-forms.aspx>

Please contact the Customer Support Center at 888-641-8722, option 4 for any assistance with this form.

Thank you,